

From: Yann Ricard
To: Microsoft ATR
Date: 11/21/01 7:11pm
Subject: Microsof Settlement

To whomever this may concern:

My name is Yann Ricard. I am a computer technologist with 15 years experience in the industry, seven of which running a software publishing company. I wish to provide these comments on Microsoft settlements.

Specific Remedy

The settlement should not comprise remedies where Microsoft is "condemned" to give away technology to a needy segment of our society (education, health, whatever). This would actually assist Microsoft in furthering its monopoly, by damaging any competition in these markets. In the end the beneficiary of these gifts would be harmed as well by the weakening of competition and alternative technology providers.

General Comments

While the prominent position of Microsoft has had the beneficial effect of bringing on some level of standardization in what might otherwise have been a chaotic marketplace, it is extremely clear to me that over the years, Microsoft has had a considerable stifling effect on this nascent industry.

Computers are still very immature products. They are still ridiculously hard to use and troubleshoot for "ordinary people", and have yet to fulfill many existing promises, let alone develop avenues yet uncharted. We are therefore still at a stage where flourishing of ideas is much more important than standardization.

From a national point of view, I realize that knocking down Microsoft too hard may be seen as weakening the prominence of the US in the world computer market. However, letting Microsoft run unopposed in the US may set up the long range conditions for the emergence of overseas competition that is a generation ahead.

Anecdotal Evidence

I have a very personal experience of the marketing power of a company such as Microsoft. In the early 90's, I ran a small software publishing company. Our latest software product had garnered very positive reviews in the trade magazines, and we had just received very large orders from mass marketers, such as Costco. This was a very big deal for our company. We manufactured a

large amount of product specifically branded for Costco. Before we shipped the product, Microsoft announced a competing product (actually a series of products), and Costco and the other mass marketer immediately canceled their order to us in order to make shelf space for Microsoft's product. Our seven year old company had made such a heavy investment in this product based on initial market feedback that it never recovered from the financial jolt of these cancelled orders, and folded thereafter. Microsoft's product turned out to be a complete flop after all, but by then, the competition was dead. I am not blaming MS for my financial mismanagement. I bet everything on one product and lost. My mistake. What is interesting is that MS is so big that the mere announcement of a product snuffs out competition. This is exactly what happened with Windows, which in its original incarnation was considerably inferior to all competitors (who remembers Gem?).

Sincerely,

Yann Ricard

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